



# **BLM MONTANA/DAKOTAS**

## *Dakotas Resource Advisory Council*

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### **RAC Meeting Minutes: February 16, 2017**

*Meeting held at the BLM South Dakota Field Office*

#### **Attending:**

##### **BLM**

- Diane Friez, Eastern Montana/Dakotas District Manager
- Loren Wickstrom, North Dakota Field Manager
- Chip Kimball, South Dakota Field Manager
- Mark Jacobsen, Eastern Montana/Dakotas District RAC Coordinator

##### **Forest Service**

- John Kinney, Deputy Grasslands Supervisor for the U.S Forest Service, Dakota Prairie Grasslands

##### **Category 1**

- Bruce Bowman
- Vern Timmerman
- Brenda Rettinger

##### **Category 2**

- Kevin Forrester
- Nathan Jagim
- Mike Kain

##### **Category 3**

- Vernon Bleich
- Debra Brown
- Robert Johnson
- Ryan Brunner
- Jay Volk

##### **Observing Public**

- West River Director, Brad Otten (for Congresswoman Kristi Noem (South Dakota))

The meeting opened with an orientation on the agenda and introductions of council members and the public.

### **Tour of new South Dakota Field Office**

Chip gave a tour of the new BLM South Dakota Field Office. Members viewed the new facilities and workspace.

### **Election of chair positions for 2017:**

Questions about members duration with RAC, and resubmitting member applications was first brought up before the new State Chairman were selected. Diane informed members that their applications needed to be resubmitted every year and that they could use previous applications as long as they were updated. The duration of a RAC member is three years, and when a RAC member steps down from their position they are asked to try and look for a replacement with similar qualifications. Diane encouraged members to promote what they do.

Election of Chairman first started with Bruce Bowman who announced he was stepping down as North Dakota Chairman. Nominations for North Dakota Chairman opened and Mike Kain nominated Jay Volk as North Dakota Chairman. Robert Johnson seconded the motion, the motion passed unanimously. Nominations for South Dakota Chairman opened and Mike Kain nominated Kevin Forrester for South Dakota Chairman. Debra Brown seconded the motion, the motion passed unanimously. This will be Chairman Forrester's fourth consecutive year with the RAC.

### **State Office RAC Chair Meeting Report**

Bruce went over a short summary with the RAC on the American Prairie Reserve, located in the Malta Field Office. There were concerns about bison being reclassified from livestock to wildlife in the State of Montana.

Questions were asked about the current Environmental Assessment (EA) that is being worked on, and if it could progress into an Environmental Impact Study (EIS). Diane informed the RAC that if significant, controversial issues are found within the EA the BLM could proceed with an Environmental Impact Study (EIS).

Diane also informed the RAC of the Pumpkin Creek grazing lease of 20,000 acres in the Miles City Field Office. This land was acquired in 2008 through an exchange, and the BLM has been working through a competitive process to assign grazing rights. This process is ongoing and should be decided sometime this year.

Chip gave a briefing on a potential land transfer between the VA cemetery in Sturgis, SD and the BLM. A portion of BLM-managed land has been identified to be transferred over to the VA for future growth. There are bills progressing through both the House and Senate for Congressional action.

Diane spoke about the Keystone XL Pipeline, which crosses about 43 miles of BLM land in Eastern Montana. The BLM is in the process of reviewing past work done on this project, and any updates that are required since work on the project has been renewed. Reviewing the proposed pipeline is a high priority for State Director and staff.

Ryan commented that South Dakota had not issued an easement for the Keystone Pipeline due to the fact that an easement on State land is only good for one year.

### **RAC Member Briefings:**

**Kevin Forrester:** Discussed projects that the non-profit organization Black Hills Trails and the BLM have partnered on. Projects discussed included the mapping and naming of different trails and reserving trails for specific uses (hiking, biking, horseback riding, and snowmobiling).

Also discussed was the need for special permits being required for events such as a bike race or endurance horse races.

John Kinney stated there was no documentation on what way to go nationally when it came to trail maintenance, and that the funds for trail maintenance for Dakota Prairie Grasslands comes from visitors.

Questions on the BLM acquiring the old Firing Range property located in the Fort Meade area was brought up and discussed by the RAC. This property is currently in possession of the Sturgis School Board. The possibility of land transfer between the school district and BLM was considered as a potential way to obtain the property. BLM could also ask for funding to acquire the land, but the RAC was informed that this transaction is currently not funded by the BLM and is not a priority.

Kevin also had a concern with a picture someone had sent him of a wild horse that was possibly on BLM-managed land south of the Cheyenne River in the Two Rivers area. Chip informed members that no official “wild horses” are located in this area. The horse is probably feral or simply lost. The BLM was never contacted about a feral horse, but if there ever are any feral animals found on BLM-managed land, they are removed.

**John (Mike) Kain:** Had concerns with the Yellow Creek Shooting Range, and the land transfer taking up to seven years.

**Deb Brown:** Spoke on the preparations that Harding County has taken in order to prepare for when the pipeline comes through. She also had concerns regarding the pipeline and the disturbance it would have on grouse.

Chip stated that there was a concern that protesters that are coming south as the pipeline progresses, might choose to camp or set up a protest camp on public lands. If they did choose to do so they would still be required to obtain all required permits and be limited to a maximum of fourteen days to camp on BLM-managed land. Any person-on-person conflict would be handled by the local sheriff's office. The BLM law enforcement responsibilities are to protect the public land.

Bruce stated that the land in North Dakota where protesters had set up camp is in the process of being restored, but progress has been difficult due to poor disposal methods by protesters of raw sewage, and abandoned trash. The sewage and trash has now contaminated the waterways that protesters had originally been trying to protect from oil pipeline development. North Dakota's expense for cleanup and restoration so far has totaled \$33 million.

**Bruce Bowman:** Spoke on oil activity and production being low due to difficulty of plowing snow out from around rigs. He also mentioned North Dakota lowering grazing leases due to lower cattle prices.

**Jay Volk:** Stated his concerns with the process and time it takes for approval for mineral leases and how it can take up to 25 years for lease approval. He stated that the NEPA process was not consistent when dealing with different agencies and all parties need to have a consistent objective without a 3<sup>rd</sup> party.

**Ryan Brunner:** State has an auction coming up in March for 130,000 acres of public land for lease. The money raised from the auction goes to the South Dakota schools. These leases run for five years, and AUM's are based off weight/market price from a five year average.

Ryan also informed the members about portions of the Cheyenne River that have been transferred over to the Buffalo Gap Grassland. The State is still in the process of acquiring additional land that needs transferred from Forest Service to State.

**Nathan Jagim:** Briefing on Meade County weed control. Nathan mentioned the gap that the county and other agencies have of preventing noxious weeds after logging and disturbances. The possibility of using money from sales was considered for purchasing herbicides for weed control.

**Public Comment Period:** No public was present to comment at this meeting.

### **SDFO Travel Management:**

Ryan Larson presented the RAC members with the SDFO travel management plan to better monitor the use of motorized and non-motorized trails and roads located on BLM-managed land. The SDFO main concerns are BLM-managed areas that have multiple roads, or trails leading to the same area. Ryan went over the three main key areas of concern; Fort Meade, Center of the Nation, and Exemption areas. Plans for the Travel Management included:

- Estimated time frame (2017 to 2019)
- Limitations on road use (seasonal, leave open, close, and rehabilitation)
- Disk and reseeding portions of rehabilitated roads
- Limiting roads in Greater Sage Grouse habitat
- Limit number of access roads to areas

A meeting will be held to get public opinion and work with landowners for designating trails and two-tracks. Kevin Forrester offered to find a location in Sturgis to hold the meeting; Ryan agreed that would be a good location. Date and time of meeting was not determined.

John Kinney went over some of the push back that the Forest Service received from the public when they went to do implementations on trails and two-tracks. He said communication with the public is key to determine a balanced plan for the use of public areas. Educating the public on road and trail uses and why public use is prohibited in some areas is also important.

Robert Johnson had a concern about lessees not having access to their land. Chip assured him the SDFO was not trying to land lock anyone out of their own land, but simply trying to eliminate the roads on BLM-managed land that are not needed. Ryan also added that lessees

are contacted during this process and many agree to limit the number of roads and trails accessing the same public areas. So far there has been positive feedback from individuals wanting to do their part in preserving the public lands.

There was a discussion of using signs on trails and two-tracks on public lands. The signs would be designed to designate two-track and trail uses, as well as inform the public of restrictions in use on public lands.

There will be opportunities for RAC and public involvement as the travel management program progresses

### **USFS Update:**

John Kinney with the U.S. Forest Service, Dakota Prairie Grasslands is not an official RAC member but has participated in many of the RAC meetings. John commented on the Forest Service wanting to be a bigger player in RAC.

John briefly touched on the Dakota Prairie Grasslands maintaining trails and keeping them open by teaming up with other agencies. He also mentioned the dwindling funds for Conservation Programs for grasslands.

The Forest Service spent \$25,000 on a grazing study in the Bakken Area.

Oil and gas fields in North Dakota are parenting with other organizations and agencies in restoration practices. Reduction of the human footprint on the land is possible by finding common interest with the oil and gas fields. Following guideline set in the Forest Service NEPA handbook, they work to protect the wildlife and the ecological sites in areas with oil and gas production.

### **EMDD Update:**

Diane updated the RAC members on multiple developments including;

- Montana State Director position is currently on hold due to the hiring freeze.
- Keystone Pipeline.
- Ryan Zinke, has been nominated to be the Secretary of the Interior.
- Correspondence incoming and outgoing for both the BLM and Forest Service as of now goes thru Washington first. Digital Track System, tracks communication and where it is going.
- BLM seasonal jobs are now going from non-competitive to competitive statutes, this allows for the time worked as a seasonal position to be applicable towards competitive full time position.

### **Slawson/Torpedo Update:**

Loren Wickstrom talked about the proposed drilling for oil underneath Lake Sakakawea, on the Fort Berthold Reservation. The proposed well pad would sit on twelve acres and the have 11 wells that would first drill down 10,000 ft. and then run up to 3 miles horizontally underneath the reservoir. The operator will implement numerous best management practices (BMP's) to minimize impacts from the wells. These BMP's include utilizing an electric rig, 12 foot sound

barrier walls and a low profile pump (hydraulic jack). Additionally all production facilities will be located a ½ mile away.

Extensive Tribal consultation with the Three Affiliated Tribes has been completed. The TAT expressed concerns regarding the potential for a blow out of the well bore could lead to the contamination of the waters of Lake Sakakawea. The Lake is a source of drinking water for the tribe. The TAT also has a tribal resolution that requires any well locations within a ½ mile of the lake must obtain a variance from the TAT. The well location is located on private surface, private minerals, and then going horizontally into Federal minerals. There are not any tribal minerals involved with these wells. The wells are located within the interior of the reservation boundary, therefore the TAT feel that the tribal resolution is applicable. The operator has not intentions of obtaining a variance due to the fact that they do not think it is applicable. The FONSI and DR is currently being reviewed by Washington Office; Loren was unable to say what Washington had decided one way or another.

Jay had concerns with the inconsistency when it came to projects. He brought up that he felt thresholds were not discretionary in regards of what was being disturbed. Jay questioned how the BLM could set a 635 acre threshold on coal mining and consider private land as part of the 635 acres when they don't have any jurisdiction over private land.

Loren stated that the BLM could include the private land in the total disturbance of land due to Connected Action between the Federal coal and private land.

## **BLM Field Management Updates:**

### **Loren Wickstrom, NDFO:**

- Coal
  - Falkirk Lease by Application (LBA), this EA/FONSI/DR are being reviewed by WO.
  - BNI (1) the draft EA is being reviewed by WO and BNI (2) application is being modified to determine exact acreage.
- Bakken Oil Express – original pipeline route had significant cultural issues, and a new route is being worked on. This new route is pending Dakota Skipper surveys.
- Paradigm Pipeline, working with Forest Service on Biological Assessment draft.
- APD's, 58 received in January, 40 approved so far.
- Multiple staffing vacancies, including (2) Petroleum Engineers, (2) lie's, (2) Mineral Assistants (5) PET's, (1) Archeologist.

### **Chip Kimball, SDFO:**

- Cultural site, vocabulary modifications have been changed in RMP.
- BLM horses moved to Newell.
- Communicating with lessees regarding regulations on running other people's livestock on BLM leased land.
- Bids open on grazing leases on Fort Meade and Bear Butte Allotments.

**The next meeting was scheduled for June, 1<sup>st</sup> in Dickinson, North Dakota with a field trip to Schnell Recreation Area on May 31.**